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(99)

ORDINANCE 09-02

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF WESTFIELD-WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA

This PUD Ordinance (the "UNION STREET FLATS PUD") amends the Zoning Map of the City of Westfield-Washington Township, Hamilton County, Indiana;

WITNESSETH:

WHEREAS, the Plan Commission conducted a public hearing, as required by law, in regard to the application for a change of zoning filed by J.C. Hart Company, Inc. with respect to the Real Estate; and

WHEREAS, under Docket Number **0903-PUD-03**, on the 16th day of March, 2009, the Plan Commission forwarded this matter to the City Council with a positive recommendation.

WHEREAS, words and terms used throughout this Union Street Flats PUD shall have the meanings ascribed to them in Article 1, which follows. Other words shown capitalized and not contained in Article 1 shall have the meaning as set forth in the Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council, meeting in regular session, that the Zoning Ordinance and the Zone Map are hereby amended as follows:

SECTION 1. LEGISLATIVE INTENT. Having given reasonable regard to (i) the Comprehensive Plan, (ii) current conditions and the character of current structures and uses in the Real Estate, (iii) the most desirable use for which the Real Estate is adapted, (iv) conservation of property values through out the City of Westfield and Washington Township, and (v) responsible development and growth, it is the intent of the City Council in adopting, to:

- A. Encourage flexibility in the development of land in order to promote its most appropriate use;
- B. Improve the design, character and quality of new development;
- C. Encourage a harmonious and appropriate mixture of uses;
- D. Facilitate the adequate and economic provisions of streets, utilities, and municipal services;
- E. Preserve the natural environmental and scenic features of the Real Estate;

- F. Encourage and provide a mechanism for arranging improvement on-site so as to preserve desirable features; and
- G. Mitigate the problems which may be presented by specific site conditions.
- H. Promote the vision outlined in the Grand Junction Plan for Downtown Westfield.

SECTION 2. EFFECT. As specified in the Table of Contents which follows, attached hereto and incorporated herein by reference are (i) Articles 1 thru 12 and (ii) Exhibits A thru G. The Legal Description and location, which is attached hereto and labeled as Exhibit A-1 and Exhibit A-2 respectively, identifies the Real Estate included in the PUD. It is the intention of this Union Street Flats PUD that the Zoning Ordinance, as modified by revisions, additions, and deletions, specified in the Articles 1 - 12 and Exhibits A - G which follow, shall govern the use and development of the District.

SECTION 3. SIZE OF DISTRICT – The size and location is identified in Exhibit A-1 and Exhibit A-2.

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SECTION 4. This Union Street Flats PUD Ordinance shall be in full force and effect in accordance with Indiana law upon its passage by the City Council, its publication in accordance with law, and upon the occurrence of any other legally required acts, including passage of any applicable waiting period, all as provided by the laws of the State of Indiana. All ordinances or parts thereof in conflict herewith are hereby repealed.

ALL OF WHICH IS ORDAINED THIS 8 DAY OF June 2009.

WESTFIELD CITY COUNCIL

Voting For

Voting Against

Abstain


John Dippel

John Dippel

John Dippel


Steve Hoover

Steve Hoover

Steve Hoover


Bob Horkay

Bob Horkay

Bob Horkay


Ken Kingshill

Ken Kingshill

Ken Kingshill


Bob Smith

Bob Smith

Bob Smith


Thomas Smith

Thomas Smith

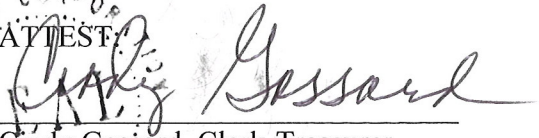
Thomas Smith


Rob Stokes

Rob Stokes

Rob Stokes

ATTEST:


Cindy Gossard, Clerk-Treasurer

I hereby certify that ORDINANCE 09-02 was delivered to the Mayor of Westfield on the _____ day of 8 June, 2009, at 8:10 p m.

Cindy Gossard
Cindy Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 09-02
this 9 day of June, 2009.

J. Andrew Cook
J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 09-02
this _____ day of _____, 2009.

J. Andrew Cook, Mayor

This Ordinance prepared by:

Jon C. Dobosiewicz, Land Use Professional, Nelson & Frankenberger,
3105 East 98th Street, Suite 170, Indianapolis, IN 46280

**"I affirm, under the penalties for perjury, that I have
taken reasonable care to redact each Social Security
number in this document, unless required by law."**

(name) Jon C. Dobosiewicz